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| 20480 7590 09/09/2009 STEVEN L. NICHOLS RADER, FISHMAN & GRAUER PLLC 10653 S. RIVER FRONT PARKWAY SUITE 150 SOUTH JORDAN, UT 84095 | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/727,304

Applicant(s)

YEH ET AL.

Examiner

JOSHUA TAYLOR

Art Unit

2426

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 10-31, 34-43, 46-51, 70, 72-77 and 80-84 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

- 5) ☐ Claim(s) _____ is/are allowed.

- 6) ☒ Claim(s) 1-7, 10-31, 34-43, 46-51, 70, 72-77 and 80-84 is/are rejected.

- 7) ☐ Claim(s) _____ is/are objected to.

- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Final Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☒ Other: PCT Pub. No.: WO 03/009141 A1

DETAILED ACTION

1. This Office Action is in response to an AMENDMENT entered on May 19, 2009 for patent application 10/727,304 filed on December 2, 2003.
2. The Non-Final Rejection of February 19, 2009 is fully incorporated into the instant Office Action by reference.

Status of Claims

3. Claims 1-7, 10-31, 34-43, 46-51, 70, 72-77 and 80-84 are pending. Claims 8, 9, 32, 33, 44, 45, 52-69, 71, 78 and 79 have been canceled by Applicant.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-7, 10-13, 36-43, 46-51, 70, 72-77 and 80-84 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yap et al. (Pub. No.: US 2002/0040475) in view of Alten et al. (Pat. No.: US 6,661,468) and Hirasawa (PCT Pub. No: WO 03009141 A1; for which Pat. No.: US 7,441,124 will serve as a translation and for citation purposes.), and further in view of Rodriguez et al. (Pat. No.: US 7,373,650).

Examiner's Note (EN): ¶12. below applies.

Regarding claim 1, Yap discloses **a display device connected to at least one recording device and at least one source of audiovisual programming, said display device comprising: a first display** (Figure 2, element 271 and/or 272) **associated with a source of audiovisual programming** (paragraph [0199]); **a second display** (Figure 2, element 272 and/or 271) **associated with a connected recording device** (paragraph [0198]); wherein said first display displays said audiovisual programming from said source of audiovisual programming (paragraph [0199]). Yap does not explicitly disclose **a first identifier displayed in association with said first display identifying said source of audiovisual programming associated with said first display from among a plurality of sources of audiovisual programming**. However, in analogous art, Alten discloses displaying to users an indication of the source from which a program is being received (Fig. 37, column 27, lines 37-52), so that the user can know which programs are sourced from cable, satellite, broadcast, etc. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Yap to include identifying the source of the programming. This would have produced predictable and desirable results, in that the user would have a way to know from which source the programming was coming.

Neither Yap nor Alten explicitly disclose **a second identifier displayed in association with said second display identifying said connected recording device associated with said second display**. However, in analogous art, Hirasawa discloses displaying to the user information indicative of recording source and recording destination (Figs. 70 A and 70B, column 40, lines 31-49). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Yap and Alten to include identifying an associated

recording device. This would have produced predictable and desirable results, in that the user would have a way to know where the material was being recorded.

Neither Yap, Alten nor Hirasawa explicitly disclose wherein **said display device comprises a user interface comprising: the first display as a first window and the second display as a second window**. However, in analogous art concerning electronic programming guides (EPGs), Rodriguez discloses that a single display can have several windows, wherein each window can display videos, EPG information, or a combination of the two (Figs. 5A-5E, col. 28, ln. 29 - col. 29, ln. 21). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the above teachings to allow for the displays of Yap to be shown in windows on the same display. This would have produced predictable and desirable results, in that the user could gain access to more information while still having the information organized in a manner than is easy to navigate.

Regarding claim 2, the combined teachings as stated above disclose **the display device of claim 1**, and Yap further discloses **wherein said recording device is also a second source of audiovisual programming and said audiovisual programming from said recording device is displayed in said second window** (paragraph [0208]).

Regarding claim 3, the combined teachings as stated above disclose **the display device of claim 1**, and Yap discloses **further comprising controls for controlling said connected recording device** (paragraphs [0110], [0126] and [0149]-[0150]).

Regarding claim 4, the combined teachings as stated above disclose **the display device of claim 3**, and Yap discloses **further comprising a status identifier for identifying a current**

operation being performed by said connected recording device (paragraphs [0196]-[0197], Table 1).

Regarding claim 5, the combined teachings as stated above disclose **the display device of claim 3**, and Yap further discloses **wherein, when said controls are used to send a record command to said connected recording device** (paragraph [0126]), **said connected recording device automatically records said audiovisual programming being displayed in said first window** (paragraph [0199]).

Regarding claim 6, the combined teachings as stated above disclose **the display device of claim 5**, and Yap further discloses **wherein, while said connected recording device is recording, said audiovisual programming is also displayed in said second window** (paragraph [0199]).

Regarding claim 7, the combined teachings as stated above disclose **the display device of claim 3**, and Yap further discloses **wherein multiple recording devices are connected** (Figure 2, elements 205 and 255, paragraphs [0107] and [0152]-[0154], Figure 8, element 320), **said controls further comprising controls for selecting a recording device to be associated with said second window and controlled through said user interface** (paragraphs [0150]-[0151]).

Regarding claim 10, the combined teachings as stated above disclose **the display device of claim 1**, and Yap discloses **further comprising controls associated with said second window, wherein a record command issued using said controls is a command for said recording device associated with said second window to record from said source of audiovisual programming associated with said first window** (paragraph [0031]).

Regarding claim 11, the combined teachings as stated above disclose **the display device of claim 10**, and Yap discloses **further comprising a status identifier identifying a current operation being performed by said source of audiovisual programming** (paragraphs [0126] and [0149]-[0150]).

Regarding claim 12, the combined teachings as stated above disclose **the display device of claim 10**, and Yap discloses **wherein said second window displays said audiovisual programming in response to said record command, such that both said first and second windows each display said audiovisual programming from said source of audiovisual programming associated with said first window to indicate that said recording device is recording said audiovisual programming associated with said first window** (paragraph [0031]).

Regarding claim 13, the combined teachings as stated above disclose **the display device of claim 1**, and Yap further discloses **wherein said recording device is a memory card** (paragraph [0158]).

Regarding claim 36, Yap discloses **processor-readable instructions stored on a processor-readable medium** (paragraph [0223]), said instructions, when executed, providing **an on-screen user interface for a video display device, said user interface comprising: a first display** (Figure 2, element 271 and/or 272) **associated with a source of audiovisual programming connected to said video display device** (paragraph [0199]); **a second display** (Figure 2, element 272 and/or 271) **associated with a recording device connected to said video display device** (paragraph [0198]). Yap does not explicitly disclose **a first identifier displayed in association with said first display identifying said source of audiovisual programming**

associated with said first display from among a plurality of sources of audiovisual programming. However, in analogous art, Alten discloses displaying to users an indication of the source from which a program is being received (Fig. 37, column 27, lines 37-52), so that the user can know which programs are sourced from cable, satellite, broadcast, etc. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Yap to include identifying the source of the programming. This would have produced predictable and desirable results, in that the user would have a way to know from which source the programming was coming.

Neither Yap nor Alten explicitly disclose **a second identifier displayed in association with said second display identifying said connected recording device associated with said second display.** However, in analogous art, Hirasawa discloses displaying to the user information indicative of recording source and recording destination (Figs. 70 A and 70B, column 40, lines 31-49). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Yap and Alten to include identifying an associated recording device. This would have produced predictable and desirable results, in that the user would have a way to know where the material was being recorded.

Neither Yap, Alten nor Hirasawa explicitly disclose wherein **said display device comprises a user interface comprising: the first display as a first window and the second display as a second window.** However, in analogous art concerning electronic programming guides (EPGs), Rodriguez discloses that a single display can have several windows, wherein each window can display videos, EPG information, or a combination of the two (Figs. 5A-5E, col. 28, ln. 29 - col. 29, ln. 21). Therefore, it would have been obvious to one of ordinary skill in

the art at the time of the invention to modify the above teachings to allow for the displays of Yap to be shown in windows on the same display. This would have produced predictable and desirable results, in that the user could gain access to more information while still having the information organized in a manner than is easy to navigate.

Regarding claim 37, the combined teachings as stated above disclose **the processor-readable instructions of claim 36**, and Yap further discloses **wherein said first window displays said audiovisual programming from said source of audiovisual programming** (paragraph [0199]).

Regarding claim 38, the combined teachings as stated above disclose **the processor-readable instructions of claim 36**, and Yap further discloses **wherein said connected recording device is also a second source of audiovisual programming and said audiovisual programming from said recording device is displayed in said second window** (paragraph [0031]).

Regarding claim 39, the combined teachings as stated above disclose **the processor-readable instructions of claim 36**, and Yap further discloses **wherein said user interface further comprises on-screen controls for controlling said connected recording device** (paragraphs [0110], [0126] and [0149]-[0150]).

Regarding claim 40, the combined teachings as stated above disclose **the processor-readable instructions of claim 39**, and Yap further discloses **wherein said user interface further comprises a status identifier for identifying a current operation being performed by said connected recording device** (paragraphs [0196]-[0197], Table 1).

Regarding claim 41, the combined teachings as stated above disclose **the processor-readable instructions of claim 39**, and Yap further discloses **wherein, when said on-screen controls are used to send a record command to said connected recording device** (paragraph [0126]), **said user interface causes said connected recording device to record said audiovisual programming being displayed in said first window** (paragraph [0199]).

Regarding claim 42, the combined teachings as stated above disclose **the processor-readable instructions of claim 41**, and Yap further discloses **wherein, while said connected recording device is recording, said audiovisual programming is also displayed in said second window** (paragraph [0199]).

Regarding claim 43, the combined teachings as stated above disclose **the processor-readable instructions of claim 39**, and Yap further discloses **wherein when multiple recording devices are connected to said video display device** (Figure 2, elements 205 and 255, paragraphs [0107] and [0152]-[0154], Figure 8, element 320), **said controls further comprise controls for selecting a recording device to be associated with said second window and controlled through said user interface** (paragraphs [0150]-[0151]).

Regarding claim 46, the combined teachings as stated above disclose **the processor-readable instructions of claim 36**, and Alten further discloses **wherein said user interface further comprises controls associated with said first window for selecting and controlling said source of audiovisual programming associated with said first window** (Fig. 37, column 27, lines 53-62). Alten discloses a user interface from which the user can select a programming source. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Yap to include being able to select from a user interface the source of the

programming. This would have produced predictable and desirable results, in that the user would have a way to select from which source the programming was coming.

Regarding claim 47, the combined teachings as stated above disclose **the processor-readable instructions of claim 46**, and Yap further discloses **wherein said user interface further comprises a status identifier identifying a current operation being performed by said source of audiovisual programming associated with said first window** (paragraphs [0126] and [0149]-[0150]).

Regarding claim 48, the combined teachings as stated above disclose **the processor-readable instructions of claim 36**, and Yap further discloses **wherein said first window displays an electronic program guide for said source of audiovisual programming associated with said first window, and said second window lists programs selected by a user from said electronic program guide** (paragraphs [0186]-[0187]).

Regarding claim 49, the combined teachings as stated above disclose **the processor-readable instructions of claim 48**, and Yap further discloses **wherein said user interface causes said recording device associated with said second window to record said programs selected by a user from said electronic program guide** (paragraphs [0186]-[0187]).

Regarding claim 50, the combined teachings as stated above disclose **the processor-readable instructions of claim 48**, and Yap further discloses **wherein, when multiple recording devices are available, said user interface comprises controls for selecting which recording device is associated with said second window** (paragraph [0127]).

Regarding claim 51, the combined teachings as stated above disclose **the processor-readable instructions of claim 48**, and Alten further discloses **wherein, when multiple sources**

of audiovisual programming are available, said user interface comprises controls for selecting which source of audiovisual programming is associated with said first window (Fig. 37, column 27, lines 53-62). Alten discloses a user interface from which the user can select a programming source. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Yap to include being able to select from a user interface the source of the programming. This would have produced predictable and desirable results, in that the user would have a way to select from which source the programming was coming.

Regarding claim 70, Yap discloses **an audiovisual device in communication with at least one recording device, said audiovisual device comprising: a user input device** (paragraph [0186]); **and a user interface displayed on said audiovisual device; wherein said user interface comprises a first display** (Figure 2, element 271 and/or 272) **associated with a source of audiovisual programming** (paragraph [0199]), **and a second display** (Figure 2, element 272 and/or 271) **associated with said recording device** (paragraph [0198]); **and wherein said second display displays said audiovisual programming in response to a record command, such that both said first and second displays each display said audiovisual programming from said source of audiovisual programming associated with said first display to indicate that said recording device is recording said audiovisual programming associated with said first display** (paragraph [0031]). Yap does not explicitly disclose wherein said user interface further comprises a first identifier displayed in association with said first display identifying said source of audiovisual programming associated with said first display from among a plurality of sources of audiovisual programming. However, in analogous art, Alten discloses displaying to users an indication of the source from which a

program is being received (Fig. 37, column 27, lines 37-52), so that the user can know which programs are sourced from cable, satellite, broadcast, etc. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Yap to include identifying the source of the programming. This would have produced predictable and desirable results, in that the user would have a way to know from which source the programming was coming.

Neither Yap nor Alten explicitly disclose **a second identifier displayed in association with said second display identifying said connected recording device associated with said second display**. However, in analogous art, Hirasawa discloses displaying to the user information indicative of recording source and recording destination (Figs. 70 A and 70B, column 40, lines 31-49). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Yap and Alten to include identifying an associated recording device. This would have produced predictable and desirable results, in that the user would have a way to know where the material was being recorded.

Neither Yap, Alten nor Hirasawa explicitly disclose wherein **said display device comprises a user interface comprising: the first display as a first window and the second display as a second window**. However, in analogous art concerning electronic programming guides (EPGs), Rodriguez discloses that a single display can have several windows, wherein each window can display videos, EPG information, or a combination of the two (Figs. 5A-5E, col. 28, ln. 29 - col. 29, ln. 21). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the above teachings to allow for the displays of Yap to be shown in windows on the same display. This would have produced predictable and

desirable results, in that the user could gain access to more information while still having the information organized in a manner than is easy to navigate.

Regarding claim 72, the combined teachings as stated above disclose **the device of claim 70**, and Yap further discloses **wherein said recording device is also a second source of audiovisual programming and audiovisual programming from said recording device is displayed in said second window** (paragraph [0031]).

Regarding claim 73, the combined teachings as stated above disclose **the device of claim 70**, and Yap further discloses **wherein said user input device comprises a remote control unit** (paragraph [0041]).

Regarding claim 74, the combined teachings as stated above disclose **the device of claim 70**, and Yap further discloses **wherein said user interface further comprises on-screen controls for controlling said recording device, said on-screen controls being operated with said user input device** (paragraphs [0110], [0126] and [0149]-[0150]).

Regarding claim 75, the combined teachings as stated above disclose **the device of claim 74**, and Yap further discloses **wherein said user interface further comprises a status identifier for identifying a current operation being performed by said recording device** (paragraphs [0196]-[0197], Table 1).

Regarding claim 76, the combined teachings as stated above disclose **the device of claim 74**, and Yap further discloses **wherein, when said on-screen controls are used to send a record command to said recording device** (paragraph [0126]), **said recording device automatically records audiovisual programming from said audiovisual source associated with said first window** (paragraph [0199]).

Regarding claim 77, the combined teachings as stated above disclose **the device of claim 70**, and Yap further discloses **wherein said audiovisual device communicates with multiple recording devices** (Figure 2, elements 205 and 255, paragraphs [0107] and [0152]-[0154], Figure 8, element 320), **and said user interface comprises controls for selecting a recording device to be associated with said second window and controlled through said user interface** (paragraphs [0150]-[0151]).

Regarding claim 80, the combined teachings as stated above disclose **the device of claim 70**, and Alten further discloses **wherein said user interface further comprises controls associated with said first window for selecting and controlling said source of audiovisual programming associated with said first window** (Fig. 37, column 27, lines 53-62). Alten discloses a user interface from which the user can select a programming source. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Yap to include being able to select from a user interface the source of the programming. This would have produced predictable and desirable results, in that the user would have a way to select from which source the programming was coming.

Regarding claim 81, the combined teachings as stated above disclose **the device of claim 70**, and Yap further discloses **wherein said audiovisual device communicates with said recording device through an IEEE 1394 interface** (paragraph [0108]).

Regarding claim 82, the combined teachings as stated above disclose **the device of claim 70**, and Yap further discloses **wherein said audiovisual device is a computer** (paragraph [0222]).

Regarding claim 83, the combined teachings as stated above disclose **the device of claim 70**, and Yap further discloses **wherein said audiovisual device is a television set** (paragraph [0222]).

Regarding claim 84, the combined teachings as stated above disclose **the device of claim 70**, and Yap further discloses **further comprising a memory card accessible to said audiovisual device, wherein said memory card is said recording device associated with said second window** (paragraph [0158]).

5. Claims 14-17 rejected under 35 U.S.C. 103(a) as being unpatentable over Yap et al. (Pub. No.: US 2002/0040475) in view of Baumgartner et al. (Pub. No.: US 2002/0174433) and Rodriguez et al. (Pat. No.: US 7,373,650).

Regarding claim 14, Yap discloses **a display device connected to at least one recording device and at least one source of audiovisual programming, said display device comprising a user interface comprising: a first display** (Figure 2, element 272 and/or 271) **associated with a source of audiovisual programming; and a second display** (Figure 2, element 272 and/or 271) **associated with a connected recording device; wherein said first display displays an electronic program guide for said source of audiovisual programming** (paragraphs [0198]-[0199]), **and said second display lists programs selected by a user from said electronic program guide** (paragraphs [0186]-[0187]), **and wherein said second display is further configured to display said audiovisual programming in response to a record command, such that both said first and second displays each display said audiovisual**

programming from said source of audiovisual programming associated with said first display to indicate that said recording device is recording said audiovisual programming associated with said first window (paragraph [0031]). Yap does not explicitly disclose wherein **said second window lists programs selected for future recording by a user from said electronic program guide**. However, in analogous art, Baumgartner discloses that an EPG can show a list of scheduled recordings (Fig. 25, paragraph [0132]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Yap to include programs selected for future recording. This would have produced predictable and desirable results, in that the user would have a way to see if the all of the programs he wanted to record were in fact scheduled to record.

Neither Yap nor Baumgartner explicitly disclose wherein **said display device comprises a user interface comprising: the first display as a first window and the second display as a second window**. However, in analogous art concerning electronic programming guides (EPGs), Rodriguez discloses that a single display can have several windows, wherein each window can display videos, EPG information, or a combination of the two (Figs. 5A-5E, col. 28, ln. 29 - col. 29, ln. 21). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the above teachings to allow for the displays of Yap to be shown in windows on the same display. This would have produced predictable and desirable results, in that the user could gain access to more information while still having the information organized in a manner than is easy to navigate.

Regarding claim 15, the combined teachings as stated above disclose **the display device of claim 14**, and Yap further discloses **wherein said connected recording device associated**

with said second window automatically records said programs selected by a user from said electronic program guide (paragraphs [0186]-[0187]).

Regarding claim 16, the combined teachings as stated above disclose **the display device of claim 14**, and Yap further discloses **wherein multiple recording devices are connected** (Figure 2, elements 205 and 255, paragraphs [0152]-[0154] and [0107], Figure 8, element 320) **and said user interface comprises controls for selecting which recording device is associated with said second window** (paragraphs [0150]-[0151]).

Regarding claim 17, the combined teachings as stated above disclose **the display device of claim 14**, and Alten further discloses **wherein multiple sources of audiovisual programming are connected and said user interface comprises controls for selecting which source of audiovisual programming is associated with said first window** (Fig. 37, column 27, lines 53-62). Alten discloses a user interface from which the user can select a programming source. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Yap to include being able to select from a user interface the source of the programming. This would have produced predictable and desirable results, in that the user would have a way to select from which source the programming was coming.

6. Claims, 18-31 and 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yap et al. (Pub. No.: US 2002/0040475) in view of Alten et al. (Pat. No.: US 6,661,468) and Hirasawa (PCT Pub. No: WO 03009141 A1; for which Pat. No.: US 7,441,124 will serve as a

translation and for citation purposes.), and further in view of Rodriguez et al. (Pat. No.: US 7,373,650) and Baumgartner et al. (Pub. No.: US 2002/0174433).

Regarding claim 18, Yap discloses a **video display device comprising: a screen; a user interface displayed on said screen; and a connection to at least one recording device and at least one source of audiovisual programming; wherein said user interface comprises a first display** (Figure 2, element 271 and/or 272) **associated with a source of audiovisual programming** (paragraph [0199]), **and a second display** (Figure 2, element 272 and/or 271) **associated with a connected recording device** (paragraph [0198]). Yap does not explicitly disclose **wherein a first identifier is displayed in association with said first display identifying said source of audiovisual programming associated with said first display from among a plurality of sources of audiovisual programming**. However, in analogous art, Alten discloses displaying to users an indication of the source from which a program is being received (Fig. 37, column 27, lines 37-52), so that the user can know which programs are sourced from cable, satellite, broadcast, etc. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Yap to include identifying the source of the programming. This would have produced predictable and desirable results, in that the user would have a way to know from which source the programming was coming.

Neither Yap nor Alten explicitly disclose **wherein a second identifier is displayed in association with said second display identifying said connected recording device associated with said second display**. However, in analogous art, Hirasawa discloses displaying to the user information indicative of recording source and recording destination (Figs. 70 A and 70B, column 40, lines 31-49). Therefore, it would have been obvious to one of ordinary skill in the art

at the time of the invention to modify Yap and Alten to include identifying an associated recording device. This would have produced predictable and desirable results, in that the user would have a way to know where the material was being recorded.

Neither Yap, Alten nor Hirasawa explicitly disclose wherein **said display device comprises a user interface comprising: the first display as a first window and the second display as a second window**. However, in analogous art concerning electronic programming guides (EPGs), Rodriguez discloses that a single display can have several windows, wherein each window can display videos, EPG information, or a combination of the two (Figs. 5A-5E, col. 28, ln. 29 - col. 29, ln. 21). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the above teachings to allow for the displays of Yap to be shown in windows on the same display. This would have produced predictable and desirable results, in that the user could gain access to more information while still having the information organized in a manner than is easy to navigate.

None of the above cited art explicitly discloses wherein **an electronic programming guide for said source of audiovisual programming associated with said first window is selectively displayed in said first window and a list of programs selected from said electronic programming guide to be recorded by said recording device associated with said second window is displayed in said second window when said electronic programming guide is displayed in said first window**. However, in analogous art, Baumgartner discloses that an EPG can show a list of scheduled recordings (Fig. 25, paragraph [0132]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include displaying programs selected for future recording. This would have produced predictable and

desirable results, in that the user would have a way to see if the all of the programs he wanted to record were in fact scheduled to record.

Regarding claim 19, the combined teachings of the references cited above disclose **the video display device of claim 18**, and Yap further discloses **wherein said first window displays said audiovisual programming from said source of audiovisual programming** (paragraph [0199]).

Regarding claim 20, the combined teachings of the references cited above disclose **the video display device of claim 18**, and Yap further discloses **wherein said connected recording device is also a second source of audiovisual programming and said audiovisual programming from said recording device is displayed in said second window** (paragraph [0031]).

Regarding claim 21, the combined teachings of the references cited above disclose **the video display device of claim 18**, and Yap further discloses **further comprising a remote control unit, wherein said user interface further comprises on-screen controls for controlling said connected recording device, said on-screen controls being operated with said remote control unit** (paragraph [0041]).

Regarding claim 22, the combined teachings of the references cited above disclose **the video display device of claim 21**, and Yap further discloses **wherein said user interface further comprises a status identifier for identifying a current operation being performed by said connected recording device** (paragraphs [0196]-[0197], Table 1).

Regarding claim 23, the combined teachings of the references cited above disclose **the video display device of claim 21**, and Yap further discloses **wherein, when said on-screen**

controls are used to send a record command to said connected recording device (paragraph [0126]), said connected recording device automatically records said audiovisual programming being displayed in said first window (paragraph [0199]).

Regarding claim 24, the combined teachings of the references cited above disclose **the video display device of claim 23**, and Yap further discloses **wherein, while said connected recording device is recording, said audiovisual programming is also displayed in said second window (paragraph [0199]).**

Regarding claim 25, the combined teachings of the references cited above disclose **the video display device of claim 21**, and Yap further discloses **wherein multiple recording devices are connected (Figure 2, elements 205 and 255, paragraphs [0107] and [0152]-[0154], Figure 8, element 320), said on-screen controls further comprising controls for selecting a recording device to be associated with said second window and controlled through said user interface (paragraphs [0150]-[0151]).**

Regarding claim 26, the combined teachings of the references cited above disclose **the video display device of claim 25**, and Hirasawa further discloses **wherein said user interface further comprises a device identifier for identifying which connected recording device is currently associated with said second window (Figs. 70 A and 70B, column 40, lines 31-49).** Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include identifying an associated recording device. This would have produced predictable and desirable results, in that the user would have a way to know where the material was being recorded.

Regarding claim 27, the combined teachings of the references cited above disclose **the video display device of claim 18**, and Alten further discloses **wherein said user interface further comprises an identifier identifying said source of audiovisual programming, with multiple sources of audiovisual programming being available** (Fig. 37, column 27, lines 37-52). Alten discloses a user interface from which the user can select a programming source. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Yap to include being able to select from a user interface the source of the programming. This would have produced predictable and desirable results, in that the user would have a way to select from which source the programming was coming.

Regarding claim 28, the combined teachings of the references cited above disclose **the video display device of claim 27**, and Alten further discloses **wherein said user interface further comprises controls associated with said first window for selecting and controlling said source of audiovisual programming associated with said first window** (Fig. 37, column 27, lines 53-62). Alten discloses a user interface from which the user can select a programming source. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Yap to include being able to select from a user interface the source of the programming. This would have produced predictable and desirable results, in that the user would have a way to select from which source the programming was coming.

Regarding claim 29, the combined teachings of the references cited above disclose **the video display device of claim 28**, and Yap further discloses **wherein said user interface further comprises a status identifier identifying a current operation being performed by said source of audiovisual programming** (paragraphs [0126] and [0149]-[0150]).

Regarding claim 30, the combined teachings of the references cited above disclose **the video display device of claim 18**, and Yap further discloses **wherein said connection to at least one recording device is an IEEE 1394 interface** (paragraph [0108]).

Regarding claim 31, the combined teachings of the references cited above disclose **the video display device of claim 18**, and Yap further discloses **further comprising a memory card in said video display device, wherein said memory card is said recording device associated with said second window** (paragraph [0158]).

Regarding claim 34, the combined teachings of the references cited above disclose **the video display device of claim 18**, and Yap further discloses **wherein multiple recording devices are connected and said user interface comprises controls for selecting which recording device is associated with said second window** (paragraph [0127]).

Regarding claim 35, the combined teachings of the references cited above disclose **the video display device of claim 18**, and Alten further discloses **wherein multiple sources of audiovisual programming are connected and said user interface comprises controls for selecting which source of audiovisual programming is associated with said first window** (Fig. 37, column 27, lines 53-62). Alten discloses a user interface from which the user can select a programming source. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Yap to include being able to select from a user interface the source of the programming. This would have produced predictable and desirable results, in that the user would have a way to select from which source the programming was coming.

Response to Amendment

7. Applicant's amendment to claims 1-7 and 10-17, filed May 19, 2009, with respect to the **35 USC § 101** rejection, as well as applicants remarks on page 15 have been fully considered and are persuasive. The **35 USC § 101** rejection of claims 1-7 and 10-17 has been withdrawn.

Response to Arguments

8. Applicant's arguments, see page 16-17, filed May 19, 2009, with respect to the rejections of claims 1-7, 10-13, 36-43, 46-51, 70, 72-77 and 80-84 under **35 USC § 103(a)**, concerning the Hirasawa patent (U.S. Pat. No.: 7,441,124) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new grounds of rejection is made in view of Hirasawa (PCT Pub. No: WO 03009141 A1), which qualifies under **35 USC § 102(a)** as it was published on January 30, 2003, prior to Applicant's provisional filing.

Applicant's arguments filed May 19, 2009 concerning claim 14 have been fully considered but they are either not persuasive or are moot in view of the new grounds of rejection.

In reference to Applicant's argument:

In other words, Yap simply teaches several modes of viewing recorded and live signals, and does not teach watching a single signal on two separate windows on a single display device. Further, Yap does not teach or suggest viewing a single signal on two separate windows on a single display device in order to confirm that the signal is being recorded on a recording device.

Examiner's Response:

Applicant argues that “Yap does not teach or suggest viewing a single signal on two separate windows on a single display *in order to confirm that the signal is being recorded* on a recording device.” However, nowhere in the claim language of claim 14 is the word “confirm” used. The word “indicate” is used, and Examiner interprets the combined teachings of the prior art to read on this word, which can mean “to point out or show (www.thefreedictionary.com).” That is, when a user records a program, and the recording starts on a second window, this has shown the user that the recording has begun.

Applicant’s further arguments with respect to claim 14 are moot based on the new grounds of rejection.

Applicant’s arguments with respect to claims 18-31, 34 and 35 are also moot based on the new grounds of rejection.

Examination Considerations

9. The claims and only the claims form the metes and bounds of the invention. “Office personnel are to give the claims their broadest reasonable interpretation in light of the supporting disclosure. *In re Morris*, 127 F.3d 1048, 1054-55, 44USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. *In re Prater*, 415 F.2d, 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969)” (MPEP p 2100-8, c 2, 145-48; p 2100-9, c 1, I 1-4). The Examiner has full latitude to interpret each claim in the broadest reasonable sense. Examiner will reference prior art using terminology familiar to one

of ordinary skill in the art. Such an approach is broad in concept and can be either explicit or implicit in meaning.

10. Examiner's Notes are provided with the cited references to prior art to assist the applicant to better understand the nature of the prior art, application of such prior art and, as appropriate, to further indicate other prior art that maybe applied in other office actions. Such comments are entirely consistent with the intent and spirit of compact prosecution. However, and unless otherwise stated, the Examiner's Notes are not prior art but a link to prior art that one of ordinary skill in the art would find inherently appropriate.

11. Unless otherwise annotated, Examiner's statements are to be interpreted in reference to that of one of ordinary skill in the art. Statements made in reference to the condition of the disclosure constitute, on the face of it, the basis and such would be obvious to one of ordinary skill in the art, establishing thereby an inherent prima facie statement.

12. Examiner's Opinion: ¶¶ 9.-11. apply. The Examiner has full latitude to interpret each claim in the broadest reasonable sense.

Conclusion

13. Claims 1-7, 10-31, 34-43, 46-51, 70, 72-77 and 80-84 are rejected.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSHUA TAYLOR whose telephone number is (571) 270-3755. The examiner can normally be reached on 8am-5pm, M-F, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hirl can be reached on (571) 272-3685. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Josh Taylor/
Examiner, Art Unit 2426

/Joseph P. Hirl/
Supervisory Patent Examiner, Art Unit 2426
August 27, 2009